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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/678,519 10/03/00 SIMMONS

R 17498

EXAMINER

MM91/1010

TYCO TECHNOLOGY RESOURCES
4550 NEW LINDEN HILL ROAD
SUITE 450
WILMINGTON DE 19808-2952

DTNHL T

ART UNIT

PAPER NUMBER

2841

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/678,519	SIMMONS ET AL.
	Examiner Tuan T Dinh	Art Unit 2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 October 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 6-14 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a card for insertion into a receiving slot of a host computer, classified in class 361, subclass 737.
- II. Claims 6-14, drawn to a process of manufacturing a card, classified in class 29, subclass 830.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case a process of manufacturing a card can be made by an injection molding instead of plastic flows around tabs of the card.

. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Robert J. Kapalka (Reg. No. 34,198) on October 4, 2001 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-5. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-14 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The disclosure is objected to because of the following informalities:

Page 6, line 1, change "circuit board 12" to --circuit board 14--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laity (U. S. Patent 5,984,731) in view of Fun et al. (U. S. Patent 6,166,913).

As to claim 1, Laity discloses a card (10, column 4, line 49) for insertion into a receiving slot (14, column 4, line 55) of a host computer (12, column 4, line 54), said card comprising:

a circuit board (160-figure 7, column 6, line 46);

a connector (34, column 5, line 13) electrically connected to said circuit board (160) and adapted for electrically connecting said circuit board to a host computer (12);

a housing having said circuit board (160) mounted therein and configured to provide access to said connector (34), said housing comprising a metal panel (60, column 5, line 26) interconnected to a plastic panel (50, column 5, line 23), said metal panel comprising a plurality of tabs thereon, said plastic panel having one or more cavities (146,148, column 6, line 42) receiving said tabs (64); and

wherein the plastic of said plastic panel at least partially engulfs said tabs to prevent withdrawal of said tabs from said one or more cavities and thereby interconnect said plastic and metal panels (column 5, lines 32-41).

Laity does not disclose a metal panel comprising a plurality of tabs with barbs. Fun shows a card (1) having a metal panel (20) including a plurality of tabs (26) with barbs (261) disclosed in figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the card of Laity and provide the tabs with barbs as taught by Fun in order to provide an interlocking frame together.

As to claim 2, Laity discloses the card (10) as shown in figures 1-7 wherein said card is a PCMCIA card (column 4, lines 48-49).

As to claim 3, Laity discloses the card as shown in figures 1-7 wherein said card conforms to the PCMCIA, Type III standard (column 2, line 26).standard.

As to claim 4, Laity discloses the card as shown in figures 1-7 further comprising a second connector (82).

As to claim 5, Laity discloses the card as shown in figures 1-7 wherein said second connector is an RJ-xx series connector (column 5, lines 45-47).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zarek et al. And Feldman et al. disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3431 for regular communications and 703-308-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
October 6, 2001

Jayprakash N. Gandhi
Jayprakash N. Gandhi
Primary Examiner
Technology Center 2800